

IN THE

Supreme Court of the United States

OCTOBER TERM, 1978

No. 77-1846

WILLIAM E. RANQUIST,

Petitioner,

vs.

**THE DIRECTOR OF THE DEPARTMENT OF REGISTRATION
AND EDUCATION OF THE STATE OF ILLINOIS, and
THE DEPARTMENT OF REGISTRATION AND EDUCATION
OF THE STATE OF ILLINOIS,**

Respondents.

**REPLY SUPPORTING
PETITION FOR A WRIT OF CERTIORARI TO
THE APPELLATE COURT OF ILLINOIS,
FIRST JUDICIAL DISTRICT**

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The scope of unfettered power claimed by the Director is breathtaking. He claims the right to revoke a license for violation of Article I of the Illinois Constitution, a twenty-four section Bill of Rights, which is both broad and aspirational. For example, Section 20 condemns "communica-

tions that portray criminality, depravity or lack of virtue in . . . a person or group of persons by reason of or by reference to religious, racial, ethnic, national or regional affiliation." Does that mean that the State can revoke a license for telling an ethnic joke even though no mention is made of Section 20 in the regulatory statute? Section 19 provides that no person with physical or mental handicaps shall be discriminated against in hiring and promotion. Does that mean that the State can revoke a license for refusing to promote a mentally handicapped person even though no mention is made of Section 19 in the regulatory statute? The Director would answer "yes" to those questions.

In the 1960's and 1970's, the Illinois legislature considered and rejected numerous bills to make racial steering a ground for real estate license suspension. Only in 1974 did such a bill pass, after hot debate and a close vote. According to the Director and Appellate Court, the legislature performed meaningless acts all those years. As the Court explained:

The fact that the legislature subsequently codified the licensing Act to clarify and reflect the policy of non-discriminatory property sales cannot operate to lessen the vigor of the constitutional mandate. (Petition Appendix 17a.)

Mr. Ranquist's license was suspended under a statute authorizing suspension for "demonstrated unworthiness or incompetency" and "dishonest dealing." His alleged conduct was that he told a white that a neighborhood was "going black" and that its local high school was 90% black. Ranquist did not refuse to sell the home if the white buyer wanted it. He did not lie (and no attempt was made to prove he did). Ranquist was guilty solely of providing

information which could have induced a white not to buy a home.

The highest courts of Michigan and Wisconsin have, in 1963 and 1970 respectively, held that similar "racial steering" was not "unworthiness," "incompetency," or "dishonest dealing." The state courts relied on due process and other constitutional considerations; they held that a real estate broker cannot be deprived of his livelihood for an action which, though undesired, is not made a ground for license suspension by statute. New York and Illinois courts have rejected the reasoning of the Michigan and Wisconsin courts on this due process issue. When state courts are so clearly split on such a fundamental constitutional issue and when the law has had fifteen years to develop and mature, it is time for the highest court in the land to resolve this fundamental federal constitutional question in a uniform manner so that the Constitution means the same thing in Illinois and New York that it does in Michigan and Wisconsin. See *Ford v. Wisconsin Real Estate Examining Board*, 179 N.W.2d 786, 795 (Wis. 1970).

Respectfully submitted,

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